

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANGELA LEONARD,)	
)	
Plaintiff,)	FILED: MAY 22, 2009
)	09CV3123
v.)	JUDGE KENDALL
)	MAGISTRATE JUDGE KEYS
COMMERCIAL RECOVERY)	EDA
SYSTEMS, INC.,)	
)	
Defendant.)	

COMPLAINT

NOW COMES the Plaintiff, ANGELA LEONARD, by and through her attorneys, LARRY P. SMITH & ASSOCIATES, LTD., and for her complaint against the Defendant, COMMERCIAL RECOVERY SYSTEMS, INC., Plaintiff states as follows:

I. PRELIMINARY STATEMENT

1. This is an action for actual and statutory damages for violations of the Fair Debt Collection Practices Act (hereinafter "FDCPA"), 15 U.S.C. §1692, et seq.

II. JURISDICTION & VENUE

2. Jurisdiction arises under the FDCPA, 15 U.S.C. §1692 et seq., and pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1337.

3. Venue is proper in this district pursuant to 28 U.S.C. §1391(b).

III. PARTIES

4. ANGELA LEONARD, (hereinafter, "Plaintiff") is an individual who was at all relevant times residing in the City of Oak Park, County of Cook, State of Illinois.

5. COMMERCIAL RECOVERY SYSTEMS, INC., (hereinafter, "Defendant") is a business entity engaged in the collection of debt within the State of Illinois. Defendant is incorporated in the State of Texas.

6. In its dealings with Plaintiff, Defendant held itself out as being a company collecting a debt allegedly owed by Plaintiff.

7. At all relevant times, Plaintiff was a "consumer" as that term is defined by 15 U.S.C. §1692a(3).

8. At all relevant times, Defendant acted as a debt collector as that term is defined by 15 U.S.C. §1692a(6).

IV. ALLEGATIONS

9. On May 6, 2009, Plaintiff received a telephone call from an individual who later identified himself as Mr. Beers, a duly authorized representative of Defendant, who stated that he was calling to collect a debt allegedly owed by Plaintiff to Citi Auto.

10. The alleged debt of Plaintiff was incurred primarily for personal, family, or household services.

11. Mr. Beers left a telephone voicemail message stating that he was an attorney and stating that Plaintiff needed to return his call that same day to have the matter taken care of.

12. Upon information and belief, Mr. Beers is not an attorney.

13. Plaintiff called back the telephone number left by Mr. Beers during his earlier voicemail message.

14. Mr. Beers stated that he was an attorney on behalf of Citi Auto. He further stated Plaintiff needed to take immediate action if she wanted to avoid garnishment and court hearings.

15. Plaintiff suggested to Defendant that she wanted to consult with a lawyer to ascertain her options. Defendant responded that Plaintiff cannot afford a lawyer and that a lawyer would only tell her the same thing he has.

16. Defendant stated to Plaintiff that she needed to pay the debt she allegedly owed immediately or she would be referred back to the creditor as a refusal to pay.

17. Mr. Beers stated that unless Plaintiff immediately paid the debt she allegedly owed, he would have Plaintiff served with summons at her place of employment.

18. On or about May 6, 2009, Defendant caused Plaintiff's telephone to ring four (4) times in a single day.

19. Defendant has not provided to Plaintiff, within five (5) days of its initial communication to collect the alleged debt, with written confirmation of the amount of the debt, the name of the creditor to whom the debt is allegedly owed or a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector.

20. In its attempts to collect the debt allegedly owed by Plaintiff to Citi Auto, Defendant violated the FDCPA, 15 U.S.C. §1692 in one or more of the following ways:

- a. Caused a telephone to ring or engaged any person in telephone conversation repeatedly or continuously with the intent to annoy, abuse or harass any person at the called number in violation of 15 U.S.C. §1692d(5);
- b. Used false, deceptive, misleading and unfair or unconscionable means to collect or attempt to collect an alleged debt in violation of 15 U.S.C. §1692e;
- c. Falsely represented either directly and/or by implication that he was an attorney and/or that the communication was from an attorney in violation of 15 U.S.C. §1692e(3);
- d. Represented or implied that nonpayment of any debt will result in the arrest or imprisonment of any person or the seizure, garnishment, attachment, or sale of any property or wages of any person unless such action is lawful and the debt

collector or creditor intends to take such action in violation of 15 U.S.C. §1692e(4);

- e. Threatened to take action that cannot legally or is not intended to be taken in violation of 15 U.S.C. §1692e(5);
- f. Failed to comply with the provisions of 15 U.S.C. §1692g(a);
- g. Failed to verify the alleged debt by providing the consumer with a copy of the verification obtained by the original creditor in violation of 15 U.S.C. §1692g(b);
- h. Was otherwise deceptive and failed to comply with the provisions of the FDCPA.

21. As a result of Defendant's violations as aforesaid, Plaintiff has suffered, and continues to suffer, personal humiliation, embarrassment, mental anguish and emotional distress.

V. JURY DEMAND

22. Plaintiff hereby demands a trial by jury on all issues so triable.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff, ANGELA LEONARD, by and through her attorneys, respectfully prays for judgment as follows:

- a. All actual compensatory damages suffered;
- b. Statutory damages of \$1,000.00;
- c. Plaintiff's attorneys' fees and costs;
- d. Any other relief deemed appropriate by this Honorable Court.

Respectfully submitted,
ANGELA LEONARD

By: s/ David M. Marco
Attorney for Plaintiff

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